

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 Ernest Neil Spaulding,

4 Plaintiff(s),

5 vs.

6 Lincoln National Life Insurance Company,

7 Defendant(s).

2:24-cv-01520-MDC

ORDER GRANTING MOTION

8 Pending before the Court is *pro se* plaintiff's *Response to Motion To Dismiss Complaint and*  
9 *Motion for Leave to Amend Complaint* (ECF No. 15). Although plaintiff captions his brief as a response  
10 to defendants' motion to dismiss, plaintiff does not substantively respond to defendant's motion.  
11 Instead, plaintiff seeks only a 30-day extension to either respond to the Motion to Dismiss (ECF No. 9)  
12 or file an Amended Complaint. ECF No. 15. Defendants do not oppose either the extension or leave to  
13 file an amended complaint. ECF No. 16.

14  
15 ACCORDINGLY,

16 **IT IS ORDERED** that the *Motion for Leave to Amend Complaint* (ECF No. 15) is **GRANTED**.  
17 Plaintiff must file a response to the Motion to Dismiss or an Amended Complaint by **December 5, 2024**.

18  
19 DATED this 4<sup>th</sup> day of November 2024.

20 IT IS SO ORDERED.

21   
22 Hon. Maximiliano D. Couvillier III  
United States Magistrate Judge

23 **NOTICE**

24 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and  
25 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk

1 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal  
2 may determine that an appeal has been waived due to the failure to file objections within the specified  
3 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).

4 This circuit has also held that (1) failure to file objections within the specified time and (2)  
5 failure to properly address and brief the objectionable issues waives the right to appeal the District  
6 Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d  
7 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).  
8 Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any  
9 change of address. The notification must include proof of service upon each opposing party's attorney,  
10 or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may  
11 result in dismissal of the action.